

EXHIBIT 2

Martin J. Kelly, M.D.

BOYLSTON CONSULTATION CENTER

Associate Professor of
Psychiatry
Harvard Medical School

February 9, 2023

Senior Psychiatrist,
Brigham and Women's
Hospital

Rachel Reingold Mandel, Esq
Ogletree, Deakins, Nash, Smoak, & Stewart
1 Boston Place, Suite 3500
Boston, MA 02108

RE: Lisa Menninger v. PPD Development, L.P.

Dear Attorney Mandel:

At your request I have conducted a review of additional documents in the Menninger case. This report should be regarded as a supplement to my previous report.

The additional records included:

1. Records of Alicia Burbano MD, Psychiatrist, Referral Note, New Mexico, 2020.
2. Records of Amen Clinics, Costa Mesa, California, June 2021.
3. Review of records of DC Courtney Clinic, Bend, Oregon, 2021.
4. Review of Mindful Group records of counseling and medication management records of 2021-2022.

Opinion:

Based on the review of additional information and records, my opinion remains that Dr. Menninger does not have any psychiatric condition that would disable her from performing her professional duties at levels that she had demonstrated in the previous decades, i.e. she has no new or chronic psychiatric disability or condition that would interfere or prevent her from performing as a pathologist in a medical settings similar to positions prior to her employment at PPD and later at PPD. The accommodations requested seem incompatible with the job description of the position. The psychiatric records since 2020 in my view do not reveal a pattern of a substantial psychiatric disability.

Basis for opinion:

All the records reviewed including the initial records of Dr. Kessimian and the Butler Hospital as well as the treatment records from New Mexico and Oregon have been considered as a basis for this opinion.

RE: Lisa Menninger v. PPD Development, L.P.

February 9, 2023

Page 2 of 2

The records reviewed included a number of activities that were equivalent to activities of the job requirements for which she was requesting an accommodation. These activities as reflected in the psychiatric notes of Dr. Kessimian, Dr. Albano in New Mexico, and subsequent records in Oregon where she moved to be closer to supportive figures including her mother and sister.

The records of her mental health treatment in Oregon, conducted virtually, are problematic in my view. For the most part, though they extend/stretch to over 3 to 5 pages, there is little new information in each visit note about her current life, relationships, future plans and circumstances, and are marginal for outside professional expert assessment. For the most part, there are only 2 to 5 new sentences about the status of lawsuit and quoting her subjective complaints and "cut and paste" paragraphs from earlier visits.

As mentioned, the records show her preoccupation with her case and personal complaints. From a psychiatric perspective, it is hard to find information about the status of her relationships with important people in her life including her husband, her daughter, as well as her mother and sister who were listed in the records as important in her decision to relocate to Oregon in 2021.

Overall, in my opinion, the pattern from the beginning in 2017 to the present reflects she is very much in control of her presentation and does not appreciate the larger psychosocial and realistic perspectives of others, including the company. Though she has the capacity for concrete appreciation of circumstances, it is at the expense of a broader social context. She controls and dictates many of the elements seen in the case, albeit quietly. In effect, she often convinces providers to adopt her views about her diagnoses, medication regime and other parameters. Her prescribers regularly follow her directives about the frequency, increases/decreases, resumptions and discontinuation of medications. In effect, she is controlling the treatment, including psychopharmacology and other parameters. The records show that she has been on essentially the same antianxiety and antidepressant medication regime despite any obvious significant benefit. Ordinarily this would occasion mental health providers to change the medications, and/or consider alternative non-medication treatment strategies; also reconsidering the diagnoses.

Critically, she resists her treatment team setting reasonable and appropriate treatment goals given her medical background. In 2022 her social work therapist, Andrew Drwenski writes: *Lisa was resistant towards talking about any type of employment in the medical field.*

Thank you for requesting my opinion in this matter.

A handwritten signature in blue ink that reads "Martin J. Kelly M.D." The signature is fluid and cursive, with the last name "Kelly" being the most prominent part.

Martin J Kelly MD.

1

MARTIN J. KELLY, M.D.

**Boylston Consultation Center
1051 Beacon Street
Suite 203 B
Brookline, MA 02446**

**Brigham and Women's Hospital
Department of Psychiatry
75 Francis Street
Boston, MA 02115**

**Home Address: 2023 Main Rd., Westport Point MA 02791
Date of Birth: December 23, 1939
Place of Birth: Boston, Massachusetts**

EDUCATION AND TRAINING

Education:

1961	B.S. Biology	Boston College
1965	M.D.	Tufts University School of Medicine

POSTDOCTORAL TRAINING:

Internships and Residencies:

1965-66	Intern	St. Elizabeth's Hospital, Boston
1966-68	Resident in Psychiatry	Massachusetts Mental Health Center, Boston
1968-69	Chief Resident in Psychiatry	Massachusetts Mental Health Center, Boston

LICENSURE AND CERTIFICATION:

1966	Massachusetts Medical Licensure	Registration No. 29423
1972	American Board of Psychiatry and Neurology, in Psychiatry	
1974	Qualified Forensic Psychiatrist, Commonwealth of Massachusetts	
1994-2004	American Board of Psychiatry and Neurology, Added Qualifications in Forensic Psychiatry	
1996	Coast Guard License - Master Near Coastal Auxiliary and Sail Vessels 100 Gross Tons, U.S.	

National Provider Identifier

No. 1255322426

PROFESSIONAL APPOINTMENTS*Academic Appointments:*

1966-69	Teaching Fellow in Psychiatry	Harvard Medical School
1969-70	Instructor in Psychiatry	Tufts University School of Medicine
1970	Clinical Instructor in Psychiatry	Harvard Medical School
1970-73	Instructor in Psychiatry	Peter Bent Brigham Hospital, Harvard Medical School
1973-80	Assistant Professor of Psychiatry	Peter Bent Brigham Hospital, Harvard Medical School
1980-82	Assistant Professor of Psychiatry	Brigham & Women's Hospital, Harvard Medical School
1982-	Associate Professor of Psychiatry	Harvard Medical School

Hospital Appointments:

1969-70	Senior Psychiatrist	Adolescent Unit, Boston State Hospital
1970-73	Senior Associate in Medicine (Psychiatry)	Peter Bent Brigham Hospital
1973-80	Physician, Department of Medicine	Peter Bent Brigham Hospital
1980-1999	Senior Physician, Department of Medicine	Brigham and Women's Hospital
1970-	Psychiatrist, Department of Psychiatry	Brigham and Women's Hospital
1976-77	Active Staff	Dana-Farber Cancer Institute
1977-2007	Consulting Staff	Dana-Farber Cancer Institute

**OTHER PROFESSIONAL POSITIONS, MAJOR VISITING APPOINTMENTS AND
RELEVANT COMMUNITY SERVICE:**

1972-82	Lecturer, Graduate School of Social Work	Boston College
----------------	---	-----------------------

1975-85	Lecturer in Psychiatry	Boston University School of Medicine
1978	Visiting Lecturer Psychiatry	George Washington University School of Medicine
2006	Lecturer	Northeastern University School of Law

CONSULTANT TO:

**Board of Registration in Medicine, Division of Youth Services, Department of Public Welfare,
Commonwealth of Massachusetts**

Massachusetts Board of Bar Overseers

**District Attorneys' Offices in Barnstable, Berkshire, Bristol, Essex, Franklin Hampden,
Hampshire, Middlesex, Norfolk, Plymouth, and Suffolk Counties**

Massachusetts Defenders Committee and Committee for Public Counsel Services

Boston Adoption Bureau

Federal and Superior Courts in Massachusetts

**U.S. Attorney Offices in Massachusetts, New Hampshire, Virginia, New York, Connecticut,
and Rhode Island**

Massachusetts Federal Defenders Committee

Joint Underwriters Association/Promutual Medical Malpractice Group

Risk Management Foundation of the Harvard Medical Institutions

Attorney General, Commonwealth of Massachusetts

AWARDS AND HONORS:

1986 Fellow, American Psychiatric Association

1995 Nominee, Mentorship Award, Harvard Medical School

2001 Life Fellow, American Psychiatric Association

2003 Distinguished Life Fellow, American Psychiatric Association

2007 Lifetime Achievement Award, Department of Psychiatry, Harvard Medical School and Brigham and Women's Hospital

SERVICE ASSIGNMENTS

Principal Hospital/Health Care System Service Responsibilities:

1970-73	Assistant Director, Division of Psychiatry	Peter Bent Brigham Hospital
1971-72	Director, Drug Abuse Consultation Unit, Division of Psychiatry	Peter Bent Brigham Hospital
1973-80	Associate Director, Division of Psychiatry	Peter Bent Brigham Hospital
1980-89	Associate Director, Division of Psychiatry	Brigham and Women's Hospital
1980-87	Psychiatrist, Acute Rehabilitation Service	Brigham and Women's Hospital
1989-90	Acting Director, Division of Psychiatry	Brigham and Women's Hospital

MAJOR COMMITTEE ASSIGNMENTS:

National and Regional

1971-73	Coordinating Committee on Drug Abuse	City of Boston
1980-82	Governor's Special Commission on Probate and Family Court Procedures Relating to Divorce, Child Custody, and Family Violence - Subcommittee on Mediation	Commonwealth of Massachusetts
1983-86	Homelessness Project, Advisory Committee	Massachusetts Association for Mental Health
1991-1999	Task Force on Medicaid Fraud and Abuse	Attorney General's Office Commonwealth of Massachusetts

Harvard Medical School

1977-92	Committee on Core Clinical Clerkships and Electives	Department of Psychiatry
1977-79	Subcommittee of the Committee on Admissions, Member	

**1979-85 Subcommittee of the Committee on
Admissions, Chairman**

MAJOR COMMITTEE ASSIGNMENTS:

Harvard Medical School (continued)

1979-85	Committee on Admissions, Member	
1985-87	Psychiatry Clerkship Committee, Chairman	New Pathway Project
1985-87	Experiences in Patient Care Committee, Member	New Pathway Project
1986-92	Planning Committee, Member	Psychopathology & Introduction to Clinical Psychiatry
1991-94	Committee on Planning, Member	Harvard Longwood Residency Training Program
1992-94	Training Committee, Member	Harvard Longwood Residency Training Program
1992-2003	Curriculum Committee, Member	Harvard Longwood Residency Training Program
1993-2007	Social Systems in Psychiatry Committee	Harvard Longwood Residency Training Program

Brigham and Women's Hospital

1974-80	Human Subjects Committee
1980-92	Employee Assistance Committee
1980-92	Major Trauma Committee
1980-87	Acute Rehabilitation Unit Steering Committee
1989-2007	Heart Transplant Program
1990-1996	Lung Transplantation Program
1995-2002	Ventures Committee, Department of Psychiatry

MAJOR ADMINISTRATIVE RESPONSIBILITIES:

1970-73	Assistant Director in the Division of Psychiatry, Department of Medicine	Peter Bent Brigham Hospital
1973-80	Associate Director in the Division of Psychiatry, Department of Medicine	Peter Bent Brigham Hospital
1980-89	Associate Director of Division of Psychiatry, Department of Medicine	Brigham and Women's Hospital
1989-90	Acting Director in the Division of Psychiatry, Department of Medicine	Brigham and Women's Hospital
1992-	Principal, Boylston Consultation Center	Brookline, Massachusetts

PROFESSIONAL SOCIETY INVOLVEMENT:**Memberships, Offices and Committee Assignments in Professional Societies:****American Psychiatric Association**

1968-	Member
1986	Fellow
2001	Life Fellow
2003	Distinguished Life Fellow

Massachusetts Psychiatric Society

1968-	Member
1974-77	Private Practice Committee, Chairman
1975-92	Committee of Psychiatric Residency Training Directors
1975-78	Insurance Committee
1979-92	Legislative Committee
1979-85	Councilor
1990-2000	Society Representative to Massachusetts Medical Society
1994-2003	Ethics Committee

1997-2003 Ethics Committee, Chairman

Memberships, Offices and Committee Assignments in Professional Societies (continued):**Massachusetts Medical Society**

1969-	Member
1976-77	Section of Psychiatry and Neurology, Secretary
1977-79	Section of Psychiatry and Neurology, Vice Chairman
1978-85	Legislative Committee
1979-92	Blue Cross Blue Shield Liaison Committee
1980-84	Section of Psychiatry, Chairman
1980-90	Interspecialty Committee, Representative for Psychiatry
1984-90	Councilor for Psychiatry
1990-1991	Consultant in Psychiatry Interspecialty Committee
1991-2000	Interspecialty Committee, Psychiatry, Member-at-large,
1991-1995	Councilor Representing Psychiatry
1995-2000	Delegate Representing Psychiatry
1997-2000	Compassionate Care Committee

Massachusetts Association for Mental Health

1976-	Member
1976-85	Professional Advisory Committee
1980-85	Professional Advisory Committee, Chairman
1983-86	Advisory Committee for Homeless Project, Member
1980-	Board of Directors

American Psychosomatic Society

1972-	Member
--------------	---------------

Memberships, Offices and Committee Assignments in Professional Societies (continued):

American Association of General Hospital Psychiatrists

1979-1990 Member

Association of General Psychiatrists

1987-1995 Member

Royal Society of Medicine, London

1988-92 Associate

American Academy of Psychiatry and the Law

1989- Member

Boston Society of Neurology and Psychiatry

1989- Member

Professional Journals Peer Reviewer

New England Journal of Medicine

General Hospital Psychiatry

Psychosomatic Medicine

Journal of Neuropsychiatry and Clinical Neurosciences

Bibliography

Original Reports

1. Kelly MJ. Comprehensive long term treatment of a schizophrenic adolescent. *Psychiatric Opinion* 1970;7:36-41.
2. Schiff LF, Kelly MJ, Kris AO. Participatory consultation: enhancing a comprehensive treatment service for adolescents. *Mass J Mental Health* 1971;11:36-42.
3. Reich, P, Kelly MJ. Suicide attempts by hospitalized medical and surgical patients. *N Engl J Med* 1976;294:298-301.
4. Brown HN, Kelly MJ. Stages of bone marrow transplantation: a psychiatric perspective. *Psychosom Med* 1976;38:439-46.
5. Reich P, Lazarus JM, Kelly MJ, Rogers MP. Factitious feculent urine in an adolescent boy. *JAMA* 1977;238:420-21.
6. Weinberger DR, Kelly MJ. Catatonia and malignant syndrome: a possible complication of neuroleptic administration. *J. Nerv Ment Dis* 1977;165:263-68.
7. Schlauch RW, Reich P, Kelly MJ. Leaving the hospital against medical advice. *N Eng J Med* 1980;300:22-24.
8. Altman JH, Reich P, Kelly MJ, Rogers MP. Patients who read their hospital charts. *N Engl J Med* 1980;302:169-71.
9. Rogers MP, Reich P, Kelly MJ, Liang MH. Psychiatric consultation among hospitalized arthritis patients. *Gen Hosp Psychiat* 1980;2:89-94.
10. Chinman, C, Kelly, MJ, Borus, J. Teaching Residents the Reality of Current Mental Health Care. *Harvard Rev Psychiatry* 2002;10:56-58

Reviews

1. Kelly MJ. Who me--a sexist? Editorial. *N Engl J Med* 1973;288:317-18.
2. Kelly MJ. Book Review. Croog SH, Levine S. The heart patient recovers (social and psychological factors). New York: Human Sciences Press, 1977. *Psychosom Med* 1978; 40:641-42.
3. Kelly MJ. Antianxiety drugs: benzodiazepines. *Hospital Formulary* 1979;14:227-28.

4. Kelly MJ. Book Review. Schneider J. Stress, loss and grief: understanding their origins and growth potential. Baltimore: University Park Press, 1984. N Engl J Med 1984;311:545.
5. Kelly MJ. Book Review. Greben S. Loves labor: twenty-five years of experience in the practice of psychotherapy. New York: Schocken Books, 1984. N Engl J Med 311:1645-46.
6. Kelly MJ. Book Review. Derogatis LR, Wise TV. Anxiety and depressive disorders in the medical patient. Washington, D.C. American Psychiatric Press, 1989. N Engl J Med 320:1089-90.
7. Kelly MJ. Book Review. Brown GW, Harris TO. Life events and illness. New York:Guilford Press, 1989. N Engl J Med 1990;322:276.
8. Kelly MJ. Book Review. Andersen AE. Males with eating disorders. New York:Brunner/Mazel, 1990. N Engl J Med 1991;324:202.
9. Kelly MJ. Strategies for Diagnosing and Treating Depression. Boston:Brigham and Women's Hospital, 1991; Medical Update 3:8:1-5.
10. Kelly MJ. Suicide assessment in the emergency department. Boston: Risk Management Foundation of the Harvard Medical Institutions, 1993; Forum 14:6:5-6.
11. Kelly, MJ. Book Review. Toward an Integrated Medicine: Classics from Psychosomatic Medicine 1959-1979. Washington, D. C. American Psychiatric Press, Inc. 1995.

Books

1. Reich P, Kelly MJ. Introduction to the mental disorders. In: Wintrobe MM, et al, eds. Harrison's Principles of Internal Medicine, 7th ed. New York: McGraw-Hill, 1974:1871-75.
2. Reich P, Kelly MJ. The neuroses. In: Wintrobe MM, et al, eds. Harrison's Principles of Internal Medicine, 7th ed. New York: McGraw-Hill, 1974:1875-85.
3. Reich P, Kelly MJ. Introduction to the mental disorders. In: Thorn GW, et al, eds. Harrison's Principles of Internal Medicine, 8th Edition. New York: McGraw-Hill, 1977: 1944-48.
4. Reich P, Kelly MJ. The neuroses. In: Thorn GW, et al, eds. Harrison's Principles of Internal Medicine, 8th ed. New York: McGraw-Hill, 1977:1948-55.

12

5. **Kelly MJ, Reich P. Psychiatric Preparation of the Surgical Patient. In: Vandam LD, ed. To make the patient ready for anesthesia: medical care of the surgical patient. Reading, Mass: Addison-Wesley, 1980:218-35.**
6. **Kelly MJ, Reich P. Psychiatric Preparation of the Surgical Patient. In: Vandam LD, ed. To make the patient ready for anesthesia: medical care of the surgical patient. Reading, Mass: Addison-Wesley, 1984:224-41.**
7. **Kelly, MJ. Psychosis and depression. In: Braunwald E and Rose BD. Intensive review of Internal Medicine. Boston, Mass: Harvard Medical School, 1993:470-75.**
8. **Kelly MJ, Rogers MP. Neuropsychiatric Aspects of Systemic Lupus Erythematosus. In: Stoudemire A and Fogel BS. Medical- Psychiatric Practice. Washington, D.C.: American Psychiatric Press, 1995:183-214.**
9. **Rogers MP, Kelly MJ. Psychiatric aspects of systemic lupus. In: Schur, PH ed. The clinical management of systemic lupus erythematosus, 2nd ed. Philadelphia: Lippincott- aven Publishers, 1996:155-73.**
10. **Kelly MJ, Mufson MJ, Rogers MP. Medical Settings and Suicide. In: Jacobs DG ed. Guide to Suicide Assessment and Intervention, 1st ed. San Francisco: Jossey-Blass Publishers, 1999:491-519.**

Jan2022

Martin J. Kelly, M.D.

Case List: 2018 – 2021

Testimony at Trial, Deposition and Hearing

Martin J. Kelly, M.D. -- 2018 Case List Summary

<u>CASE</u> <u>TESTIMONY</u>	<u>COURT</u>	<u>RETAINED BY</u>	
Comm. v. Yvonne Lewis	Suffolk Superior Boston	Defendant	Trial
Comm. v. Leonor Flores	Suffolk Superior Boston	District Attorney	Hearing
Comm v. M. Rodriques	Essex District Salem	District Attorney	Trial
Comm. v. Chr. Fratantonio	Cape and Islands Barnstable	District Attorney	Trial

Martin J. Kelly, M.D. -- 2019 Case List Summary

Testimony at trial, Hearing and Deposition

<u>CASE</u>	<u>COURT</u>	<u>Retained by</u>	<u>TESTIMONY</u>
Comm. v. Juan Manana- Rodriques	Essex Superior	Prosecution	Trial
Comm v. Wilson-Lopez	Essex Superior	Prosecution	Hearing
Scott Bergantino. v. Cranston RI	R.I .Superior	Defendant	Deposition

Martin J. Kelly, M.D. -- 2020 Case List Summary

Testimony at Trial, Hearing and Deposition

<u>CASE</u>	<u>COURT</u>	<u>Retained by</u>	<u>TESTIMONY</u>
Comm. v. Aaron Mrowka	Barnstable Superior	Prosecution	Trial
Carl Erickson v. FCA US LLC	US District Ct Eastern Michigan	Defense	Deposition

Martin J. Kelly, M.D. -- 2021 Case List Summary

Testimony at Trial, Hearing and Deposition

<u>CASE</u>	<u>COURT</u>	<u>Retained by</u>	<u>TESTIMONY</u>
Comm. v. Adam O'Brien	Barnstable Superior	Prosecution	Hearing
Comm v. M. McDonald	Bristol Superior	Prosecution	Trial
Menninger v. PPD	U.S District Boston	Defendant	Deposition

2022

No Trial, Hearing or Deposition Testimony